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Attorneys for Plaintiff Flathead Warming Center

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MONTANA
MISSOULA DIVISION**

FLATHEAD WARMING
CENTER,

Plaintiff,

vs.

CITY OF KALISPELL,

Defendant.

Case No. 24-cv-141-DLC

Judge: Dana L. Christensen

**PLAINTIFF'S NOTICE OF
ANTICIPATED WITNESSES
AND EXPECTED TESTIMONY
FOR OCTOBER 25, 2024 TRO
HEARING**

As ordered by the Court (Doc. 16), Plaintiff Flathead Warming Center (“the Warming Center”) files this notice of the witnesses that it intends to call or may call at the October 25, 2024 hearing on Plaintiff’s Motion for Temporary Restraining Order and Expedited Hearing (Doc. 4). The Warming Center reserves the right to call any witness listed by the City of Kalispell (City) in its witness notice.

Tonya Horn (will call)

Executive Director and Co-Founder of the Warming Center

Summary of Expected Testimony: Ms. Horn is expected to testify about the Warming Center’s mission and operations, including how Resolution 6227 and the City’s policy impact the Warming Center and the people it serves. She will also testify about the Warming Center’s CUP application, the process of the CUP being granted, its reliance on its CUP, how it satisfied the conditions of its CUP, and how it was never cited for violating any law. She will further testify about the Warming Center’s interactions with the City staff and leadership before and after the passage of Resolution 6227.

Expected Duration: 45 minutes

Jennifer Ball (will call)

Social worker with the Kalispell office of the Montana State Public Defender

Summary of Expected Testimony: Ms. Ball is expected to testify about the role that Warming Center plays in the community by providing overnight shelter to homeless individuals and the harm to homeless individuals and the community more generally caused by depriving the Warming Center of its right to provide overnight shelter.

Expected Duration: 15 minutes

Dr. Todd Johnson (may call)

Doctor with the Emergency Department of Logan Health Medical Center and volunteer at the Warming Center

Summary of Expected Testimony: Dr. Johnson may testify to the role that the Warming Center plays in preventing death, injury, and exacerbation of existing conditions among the homeless by sheltering them at night in the winter.

Expected Duration: 15 minutes

Dr. Johnson is not available to testify in-person at the hearing but may testify via Zoom.

Luke Heffernan (may call)

Chair of the Board of Directors and Co-Founder of the Warming Center

Summary of Expected Testimony: Mr. Heffernan may testify about how the Warming Center satisfied the conditions of its CUP, the interactions of Warming Center leadership with City staff and leadership before and after the passage of Resolution 6227, and the harm to the Warming Center caused by Resolution 6227.

Potential Duration: 15 minutes

Nick Aemisegger (may call)

Member of the Warming Center Board of Directors and Managing Attorney for the Kalispell office of the Montana State Public Defender

Summary of Expected Testimony: Mr. Aemisegger may testify about his knowledge of other social service providers in Kalispell, the City's police call data and his understanding of that data, and the interactions of Warming Center leadership with City staff and leadership before and after the passage of Resolution 6227.

Potential Duration: 15 minutes

Doug Russell (may call)

Kalispell City Manager

Summary of Expected Testimony: Mr. Russell may be questioned about the City's evidence supporting and steps preceding the passage of Resolution 6227. He may also be questioned about the City's policy on the Warming Center's operations.

Potential Duration: 25 minutes

Ryan Hunter (may call)

Kalispell City councilmember

Summary of Expected Testimony: Councilmember Hunter may be questioned about the City's evidence supporting and steps preceding the passage of Resolution 6227. He may also be questioned about the City's policy on the Warming Center's operations.

Potential Duration: 15 minutes

Chad Graham (may call)

Kalispell City councilmember

Summary of Expected Testimony: Councilmember Graham may be questioned about the City's evidence supporting and steps preceding the passage of Resolution 6227. He may also be questioned about the City's policy on the Warming Center's operations.

Potential Duration: 25 minutes

Mark Johnson (may call)

Kalispell City Mayor

Summary of Expected Testimony: Mayor Johnson may be questioned about the City's evidence supporting and steps preceding the passage of Resolution 6227. He may also be questioned about the City's policy on the Warming Center's operations.

Potential Duration: 15 minutes

Jarod Nygren (may call)

Kalispell Development Services Director

Summary of Expected Testimony: Mr. Nygren may be questioned about homelessness in the City before the Warming Center obtained its CUP, the application process for its CUP, the application process for the ACUP, the Warming Center's satisfaction of the conditions of its CUP, the City's options for handling issues associated with particular properties, and the City's evidence supporting and steps preceding the passage of Resolution 6227.

Potential Duration: 15 minutes

Dated: October 18, 2024.

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Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon all attorneys of record

/s/ Jeff Rowes
Counsel for Plaintiff